

SCHAFKOPF LAW, LLC
ATTORNEYS AT LAW

October 22, 2019

U.S. District Court, ED of PA
Office of the Clerk of Court
U.S. Courthouse
601 Market Street, Room 2609
Philadelphia, PA 19106

Re: Goodwin v Pennsylvania Department of Transportation et al

To Whom It May Concern:

Enclosed please find one (1) original and one (1) copy of Plaintiff's Civil Action Complaint, along with a CD containing a pdf version of same and a check in the amount of \$400.00, in regards to the above captioned matter.

Kindly file the original Complaint and return a time-stamped copy to the undersigned along with the Civil Action Summonses.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Schafkopf". The signature is written in a cursive, flowing style.

Gary Schafkopf, Esq.

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Alexander Goodwin

(b) County of Residence of First Listed Plaintiff **Lancaster PA**
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Schafkopf Law, 11 Bala Ave Bala Cynwyd PA 19004; 610-664-5200
Weisberg Law, 7 S. Morton Ave, Morton PA 19070; 610-690-0801
Mildenberg Law, 1735 Market St, Phila PA 19103; 215-545-4870

DEFENDANTS

Pennsylvania Department of Transportation, PennDOT Engineering District 8, Bob Coldren, Daniel Bowers, and Diana Weaver

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 USC 1981 and 1983

Brief description of cause:

Plaintiff has been subjected to discrimination, harassment and a hostile work environment because of his race

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

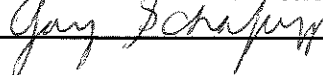
(See instructions):

JUDGE

DOCKET NUMBER

DATE
10/22/2019

SIGNATURE OF ATTORNEY OF RECORD



FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 563 South Christian St, Lancaster PA 17602

Address of Defendant: 400 North Street, Fifth Floor, Harrisburg PA 17120

Place of Accident, Incident or Transaction: PennDOT Engineering District 8

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- | | | |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 10/22/2019

Gary Schafkopf
Must sign here
Attorney-at-Law / Pro Se Plaintiff

83362

Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)**A. Federal Question Cases:**

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FEHA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☒ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☐ 11. All other Federal Question Cases
(Please specify): _____

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify): _____
- ☐ 7. Products Liability
- ☐ 8. Products Liability - Asbestos
- ☐ 9. All other Diversity Cases
(Please specify): _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Gary Schafkopf, Esq, counsel of record or pro se plaintiff, do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:
- ☒ Relief other than monetary damages is sought.

DATE: 10/22/2019

Gary Schafkopf
Sign here if applicable
Attorney-at-Law / Pro Se Plaintiff

83362

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

Alexander Goodwin

CIVIL ACTION

v.

Pennsylvania Department of
Transportation, et al

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ☒

<u>10-22-19</u>	<u>Gary Schafkopf, Esq</u>	<u>Plaintiff</u>
Date	Attorney-at-law	Attorney for
<u>610-664-5200</u>	<u>888-283-1334</u>	<u>gary@schaflaw.com</u>
Telephone	FAX Number	E-Mail Address

MILDENBERG LAW FIRM
Brian R. Mildenberg, Attorney ID No. 84861
1735 Market Street, Ste. 3750
Philadelphia, PA 19103
brian@mildenberglaw.com
215-545-4870
Fax: 215-545-4871
Attorney for Plaintiff
Additional Counsel Listed on signature page

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

ALEXANDER GODWIN
563 South Christian St.
Lancaster, PA 17602

Plaintiff

v.

**PENNSYLVANIA DEPARTMENT OF
TRANSPORTATION**
400 North St., Fifth Floor
Harrisburg, PA 17120

And

PennDOT ENGINEERING DISTRICT 8
2140 Herr Street
Harrisburg PA 17103-1699

And

BOB COLDREN
individually & in his official capacity as an
employee for PennDOT
2140 Herr Street
Harrisburg PA 17103-1699

And

DANIEL BOWERS
individually & in his official capacity as an
employee for PennDOT
2140 Herr Street
Harrisburg PA 17103-16

: Civil Action No.

:
: JURY TRIAL OF TWELVE (12)
: JURORS DEMANDED

And

DIANA WEAVER

individually & in his official capacity as an
employee for PennDOT
2140 Herr Street
Harrisburg PA 17103-16

Defendants

PARTIES

1. Plaintiff, Alexander Godwin, is an adult individual, residing at the above captioned address. At all times material Plaintiff was employed by the Defendant, PennDOT as a Transportation Equipment Operator A. Plaintiff has worked for Defendant since November 10, 2014 to the present.
2. Defendant, PennDOT, is agency of the Commonwealth of Pennsylvania that oversees programs and policies affecting highways, urban and rural public transportation, airports, railroads, ports, and waterways.
3. Defendant, PennDOT Engineering District 8, is the local PennDOT Agency for Lancaster County Pennsylvania.
4. Defendant, Bob Coldren, is an adult individual and employee of PennDOT Engineering District 8 doing business at the above captioned address.
5. Defendant, Daniel Bowers, is an adult individual and employee of PennDOT Engineering District 8 doing business at the above captioned address.
6. Defendant, Diana Weaver, is an adult individual and employee of PennDOT Engineering District 8 doing business at the above captioned address.

JURISDICTION AND VENUE

7. The above paragraphs are hereby incorporated herein by reference.

8. Jurisdiction over the matter is conferred upon the Court by 28 USC § 1331, as the cause of action arises under federal law (to wit; 42 U.S.C. § 1981 & 1983).
9. Venue is proper in this district as the facts and transactions involved in the discrimination complained of herein occurred in large part in Lancaster, Pennsylvania.
10. Plaintiff has filed a charge of discrimination with the EEOC and obtained a Right to Sue Letter. (Exh. A).

STATEMENT OF FACTS

11. Defendant, in a number of unlawful, and discriminatory acts, created a discriminatory and hostile work environment for Plaintiff.
12. Plaintiff has been employed by Defendant PennDot since November 10, 2014.
13. Beginning in 2014, Plaintiff suffered multiple incidents of discrimination due to his ethnicity/race. Plaintiff is the only black employee in the Lancaster County division of PennDOT, which has over 100 employees.
14. While Plaintiff was working one morning Caldren, called Plaintiff a “token” Caldren stated that Plaintiff was only hired because he was black and that a quota needed to be filled.
15. Plaintiff was highly offended, upset, and hurt by what was said but did not pursue further actions as he did not believe anything would have been done.
16. On another occasion, Plaintiff was present when Joe Sellars said that a modified truck, which had a side step on it, was “nigger rigged.”
17. Plaintiff was shocked by the use of racial slurs, especially since he is the only black male in his workforce. He told his coworker that the term was derogatory and should not be used.

18. On September 21, 2018, Plaintiff was in a crew cab Bowers and another co-worker, Fred Marten, when Bowers commented that a “nigger is beating up on a poor little white girl” while watching a video on his phone.
19. Plaintiff was stunned by the casual use of the word and that his coworkers would so willingly use the term in front of him. He was too upset to continue working and had to leave early that day.
20. On September 24, 2018, Plaintiff had been assigned to equipment transport for shoulder cutting. He was standing at the location when he heard Diane Weaver and Joe Gura were talking. Diane Weaver, who is also the Union President told Gura that her daughter’s boyfriend was a “Mutt.” Weaver referred to the boyfriend as a mutt because he was mixed-race.
21. Plaintiff did not participate in the conversation and tried to ignore them until Weaver approached him to ask him what a “spaghetti nigger” was.
22. Plaintiff was appalled that the union president would ask him such a question and was very uncomfortable in her presence.
23. Plaintiff was in disbelief at the disrespectfulness and insensitivity shown by the Weaver (when she asked him to define the racial slur), she justified her actions by saying “you guys call each other the nigger word.”
24. Plaintiff was highly offended and disturbed by the whole ordeal. Plaintiff was told by his coworkers that Weaver had use the word on other occasions.
25. Plaintiff talked to some of his co-workers on September 25, 2018 about the use of derogatory terms around him, and they agreed that the terms were highly offensive and were stunned by the use of the term in Plaintiff’s presence.

26. On September 26, 2018, Plaintiff brought up the offenses and discrimination to management and other employees about the hostile work environment and the continued use of derogatory and racial slurs in his presence. He then asked that the offenders, Caldren, Bowers, and Weaver to write him a formal apology.
27. Caldren claimed that he did not remember the “token” incident even though Plaintiff has a witness who overheard him. Plaintiff did not receive an apology from him.
28. Plaintiff received a handwritten apology letter from Weaver shortly after the meeting, admitting to having used the racial slur but saying that she “thought they were friends.”
29. The next day, Plaintiff was told that Weaver stated to others that she now felt uncomfortable and unsafe working with Plaintiff and accused him of using racial slurs against her, which Plaintiff denies doing. He is shocked that she would turn the situation around and accuse him.
30. Upon information and belief, Defendants refuses to take further steps to provide a positive work environment for Plaintiff and people of color.
31. Even though complaints have been made in the past, Defendant has not addressed the discrimination and racism, nor has it provided workshops or training for employees on the topic.
32. Plaintiff felt ostracized and discriminated against as the only African American worker at Lancaster County PennDOT and has started to seek other employment opportunities.
33. Plaintiff had a great interview within the City of Lancaster but was told by the interviewer that he was given a bad reference from his job.
34. Plaintiff has no complaints or warnings against him in the years that he has worked at PennDOT.

35. Upon information and belief, Defendant retaliated against Plaintiff for bringing up his complaints about the racial discrimination by giving him an unwarranted bad reference.

36. Plaintiff feels helpless and hopeless employed with Defendant due to the hostile work environment.

37. Plaintiff cannot sleep and is fearful for retaliation because he brought up his complaint to his majority white coworkers.

38. The actions of Defendant have caused Plaintiff to suffer fear, distress, upset, financial loss and have negatively impacted his reputation with potential employers.

39. Plaintiff is currently on leave as a result of a work-related injury; however, Plaintiff does not plan to return to work for Defendant due to the aforesaid hostile work environment and retaliation.

STATEMENT OF CLAIMS

COUNT I

CIVIL RIGHTS VIOLATION 42 U.S.C. § 1981 & 1983 - HARASSMENT, DISCRIMINATION AND HOSTILE WORK ENVIRONMENT ON THE BASIS OF ETHNICITY AND RACE

40. The above paragraphs are incorporated herein by reference.

41. As a result of Defendant's actions as aforesaid, Defendant has denied Plaintiff the right to the same terms, conditions, privileges and benefits of his employment agreement with PennDOT, in violation of 42 U.S.C. § 1981.

42. Such violations of 42 U.S.C. § 1981 is actionable against Defendant, a government entity, pursuant to 42 U.S.C. § 1983.

43. Defendant has caused Plaintiff to suffer humiliation and embarrassment, emotional distress, and to sustain damages for which recovery of compensatory damages may be had pursuant to 42 U.S.C. § 1983.

44. Said hostile environment and discrimination against Plaintiff was pervasive and severe.
45. Said hostile environment and discrimination against Plaintiff has affected Plaintiff to his detriment.
46. Said hostile environment, discrimination and harassment would detrimentally affect a reasonable person under similar circumstances.
47. Said discrimination and harassment has caused a hostile work environment.
48. Plaintiff has suffered a constructive termination as a result of the aforesaid hostile work environment and retaliation.
49. Said violations were done intentionally and/or knowingly with malice or reckless indifference and warrant the imposition of punitive damages.
50. As a direct and proximate result of Defendant's violation of 42 U.S.C. § 1983, Plaintiff has suffered the damages and losses set forth herein and has incurred attorneys' fees and costs.
51. Plaintiff is suffering and will continue to suffer irreparable injury and monetary damages as a result of Defendant's discriminatory acts unless and until this Court grants the relief requested herein.
52. The wrongful acts and conduct of Defendant were done with deliberate indifference to the statutory and constitutional rights of Plaintiff.

COUNT II
VIOLATION OF TITLE VII

53. The above paragraphs are hereby incorporated herein by reference.
54. By committing the foregoing acts of discrimination against Plaintiff, Defendant has violated Title VII.

55. Plaintiff has suffered a constructive termination as a result of the aforesaid hostile work environment and retaliation.

56. Said violations were done with malice and/or reckless indifference and warrant the imposition of punitive damages.

57. As a direct and proximate result of Defendant's violation of Title VII, Plaintiff has suffered the damages and losses set forth herein and has incurred attorney's fees and costs.

58. Plaintiff is now suffering and will continue to suffer irreparable injury and monetary damages as a result of Defendant's discriminatory acts unless and until this Court grants the relief requested herein.

COUNT III
42 U.S.C. Sec. 1985
CIVIL RIGHTS CONSPIRACY

59. The above paragraphs are incorporated herein by reference.

60. The foregoing conduct of Defendant violates Plaintiff's rights pursuant to 42 U.S.C. Sec. 1985, which proscribes any agreement or conspiracy to violate Plaintiff's federally protected civil rights, including those rights under 42 U.S.C. Sec. 1981 and 1983.

WHEREFORE, Plaintiff demands judgment in his favor and against Defendant in an amount in excess of \$75,000.00, together with interest, costs, punitive damages, attorney's fees and such other and further relief as this Honorable Court deems just, including equitable injunctive relief.

JURY DEMAND

Plaintiffs hereby demand a jury trial as to all issues so triable herein.

[remainder of page intentionally left blank.]

Respectfully Submitted,

BY: /s/ Matthew Weisberg
MATTHEW B. WEISBERG, ESQ
Attorney ID No. 85570
DAVID A. BERLIN, ESQ.
WEISBERG LAW
Attorney ID No. 314400
7 South Morton Ave. 19070
Morton, PA
610-690-0801
Fax: 610-690-0880
Attorneys for Plaintiff

DATED: 10-22-19

BY: /s/ Brian R Mildenberg
BRIAN R. MILDENBERG, ESQ
MILDENBERG LAW FIRM
Attorney ID No. 84861
1735 Market Street, Ste. 3750
Philadelphia, PA 19103
215-545-4870
Fax: 215-545-4871

DATED: 10-22-19

BY: Gary Schafkopf
GARY SCHAFFKOPF, ESQ
SCHAFFKOPF LAW, LLC
Attorney ID No. 83362
11 Bala Ave
Bala Cynwyd, PA 19004
610-664-5200 Ext 104
Fax: 888-238-1334
Attorney for Plaintiff

DATED: 10-22-19

EXHIBIT A

EEOC Form 706 (2/1/19)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Alexander S. Gendelo
543 South Christian Street
Lancaster, PA 17302

From: Philadelphia District Office
801 Market Street
Suite 1300
Philadelphia, PA 19107

☐ Detailed information approved where identity is
CONFIDENTIAL (29 CFR 1601.17a)

EEOC Charge No.

EEOC Representative

Telephone No.

530-2019-06308

Legal Unit,
Legal Technician

(215) 446-2878

(See also the additional information enclosed with this form.)

Notice to the Person Allegedly:

Take note of the Equal Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA). This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA must be filed in a federal or state court **WITHIN 90 DAYS** of your receipt of this notice, or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

- ☐ More than 180 days have passed since the filing of this charge.
- ☒ Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.
- ☒ The EEOC is terminating its processing of this charge.
- ☐ The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 90 days after the charge was filed with 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

- ☐ The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court **WITHIN 90 DAYS** of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.
- ☐ The EEOC is continuing its handling of your ADEA case. However, if 90 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required). EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred **more than 2 years (3 years) before** you file suit may not be collectable.

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission


Jamie B. Williamson,
District Director

8/10/2019
(Date Mailed)

Enclosure(s)

cc: Christopher Harris
Human Resources Manager
PENNSYLVANIA DEPARTMENT OF TRANSPORTATION
400 North Street
35th Floor
Harrisburg, PA 17120

Lisa Clark, Esq.
MILDENBERG LAW FIRM
1728 Market Street, Ste. 1720
Philadelphia, PA 19103